

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JUANITA LAMB,	§
	§ No. 565, 2008
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0710032212
	§
Plaintiff Below-	§
Appellee.	§

Submitted: March 8 2009
Decided: March 17, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 17th day of March 2009, upon consideration of the appellant's Supreme Court Rule 26(c) brief, her attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) The defendant-appellant, Juanita Lamb, was found guilty by a Superior Court jury of Theft, two counts of Attempted Theft, and two counts of Conspiracy in the Second Degree. On the theft conviction, she was sentenced to three years at Level V, to be suspended after thirty months for six months at Level III probation. On each of the attempted theft convictions, she was sentenced to three years at Level V, to be suspended after one year for one year at Level II probation. On each of the conspiracy

convictions, she was sentenced to one year at Level V, to be suspended for one year at Level II probation. This is Lamb's direct appeal.

(2) Lamb's counsel has filed a brief and a motion to withdraw pursuant to Rule 26(c). Lamb's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Lamb's attorney informed her of the provisions of Rule 26(c) and provided Lamb with a copy of the motion to withdraw and the accompanying brief. Lamb also was informed of her right to supplement her attorney's presentation. Lamb has not raised any issues for this Court's consideration. The State has responded to the position taken by Lamb's counsel and has moved to affirm the Superior Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief pursuant to Rule 26(c) is twofold: (a) this Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (b) this Court must conduct its own review of the record and determine whether the appeal is so totally devoid of at least

arguably appealable issues that it can be decided without an adversary presentation.¹

(4) This Court has reviewed the record carefully and has concluded that Lamb's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Lamb's counsel has made a conscientious effort to examine the record and the law and has properly determined that Lamb could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *Person v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).